

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Criminal No. 16-55 |
| v. |) | |
| |) | (18 U.S.C. 371) |
| SIMON T. TUSHA |) | |

GOVERNMENT'S NOTICE TO THE COURT RE: DEFENDANT STATUS

AND NOW comes the United States by its counsel Scott W. Brady, United States Attorney for the Western District of Pennsylvania and James R. Wilson, Assistant United States Attorney in and for said district and files the following Notice to the Court and in support of the same sets forth the following:

1. Defendant was sentenced pursuant to his guilty plea to charges that he conspired to defraud the United States on January 10, 2019. At that time he was sentenced to a period of 21 months incarceration, a term of 3 years supervised release, a fine of \$962,100 and a \$100 Special Assessment;
2. Defendant self reported to FCI Loretto to begin serving his sentence on May 13, 2019;
3. On December 11, 2019, Defendant filed a Motion to Modify Sentence or In the Alternative for an Order Requiring the Bureau of Prisons (BOP) to Provide Immediate Treatment of Petitioner's Life Threatening Health Conditions (Doc. No. 78);
4. Defendant's Petition at Doc. 78 consists principally of a chronology and

may fairly be divided into two general categories of information; first, he advises the Court regarding a number of steps taken/requests made directly through channels of the Bureau of Prisons for Compassionate Release and/or forms of relief that are left to the sound discretion of the BOP. Those matters are unresolved. Second he petitions this Court for matters within the Court's discretion regarding the scheduling of medical appointments with physicians that Defendant insists he must see, or for release to Home Confinement to expedite medical care.

5. As to the second part of Defendant's Petition at Doc. No. 78, generally seeking the Court's intervention to assure certain specific medical the following should be noted for the Court's consideration:

- a. Government counsel and defense counsel have been in regular contact since the filing of Doc. 78;
- b. Government counsel has interacted with personnel at FCI Loretto that are responsible for Defendant's medical treatment to seek to address the validity of defendant's various claims and to assure that Defendant promptly receives all necessary medical attention;
- c. Defendant's principal concern related to potentially cancerous lesions on his skin in a variety of locations;
- d. Defendant was seen at the Hillman Cancer Center on January 23, 2020, at which time he underwent a thorough examination relative to a

variety of assertions concerning cancerous or potentially cancerous areas that were deemed to require prompt attention;

e. Government Counsel received emailed copies of reports concerning the treatment Defendant received at Hillman on January 23 as well as documents prescribing surgical treatment for the worrisome lesions;

f. That surgery is now scheduled for February 5, 2020;

6. This pleading constitutes the report which the government promised to the Court at the time of a telephone status conference on January 23, 2020, and the government respectfully avers that said report suffices as an appropriate resolution of the matters raised by the filing of the defendant's Petition at Doc. 78.

Respectfully Submitted,

SCOTT W. BRADY
United States Attorney

s/James R. Wilson
JAMES R. WILSON
Assistant United States Attorney
PA ID No. 27648